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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>DELTA PILOTS ASSOCIATION, a labor organization incorporated in Florida Plaintiff</p> <p>v.</p> <p>JOHN DOE, an individual Defendant.</p>	<p>Civil Action No.: 1:14-cv-00225-AKH</p> <p>MOTION FOR LEAVE TO TAKE IMMEDIATE DISCOVERY</p>
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Plaintiff, the Delta Pilots Association (“DPA”), by and through its undersigned counsel, Seham, Seham, Meltz & Petersen, LLP, pursuant to Federal Rules of Civil Procedure 26 and 45, the pleadings filed herein, and the authorities cited in Plaintiff’s supporting memorandum of law, hereby moves for an Order permitting Plaintiff to take immediate, limited discovery.

In support thereof, Plaintiff represents as follows:

1. Plaintiff seeks leave of the Court to serve limited, immediate discovery on third-party Internet web-hosting or web-service companies, Internet Service Providers (“ISP”), telephone companies, and other third-parties believed to be in possession of relevant information that would determine, or assist in determining, the true identity of the “John Doe” Defendant, against whom this action has been brought for multiple violations of the Computer Fraud and Abuse Act (“CFAA”), 18 U.S.C. § 1030, *et seq*, both civil and criminal.

2. As alleged in the complaint, this is an action for declaratory judgment, injunctive relief, and monetary damages stemming from the “hacking” of Plaintiff’s web site beginning in November of 2013 and continuing, by a presently unknown party. It centers on the knowing transmission of computer code and/or commands into a protected computer without authorization and with intent to cause damage, the intentional accessing of a protected computer without authorization that recklessly caused damage, and the intentional accessing of a protected computer without authorization, that caused damage and loss. These acts constitute violations of the Computer Fraud and Abuse Act.

3. Although Plaintiff does not know the true identity of the John Doe Defendant responsible for hacking its web site, Plaintiff has obtained some specific information and reached informed deductions about what third-parties have or should have additional information or evidence that will, or is reasonably calculated to, lead to the identity of John Doe.

4. Plaintiff intends to serve Rule 45 subpoenas for production of documents or things on known ISP and telephone service providers, and other third parties, in order to obtain information or documents that will identify the John Doe Defendant’s true name, current (and permanent addresses and any other identifying aspects, such as telephone numbers, e-mail addresses, computer IP numbers, and computer MAC addresses.

5. Without this information, Plaintiff cannot identify the John Doe Defendant or pursue its lawsuit in order to protect itself from further unlawful conduct or obtain compensation for damages and loss.

6. Good cause exists to allow Plaintiff to conduct this limited discovery in advance of a Rule 26(f) conference because there are no known defendants with whom to confer.

WHEREFORE, Plaintiff moves for an Order permitting the foregoing requested discovery immediately.

Dated: White Plains, New York
January 17, 2014

SEHAM, SEHAM, MELTZ & PETERSEN, LLP

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